

**ENTERED**

December 30, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISIONORLANDA DEL CARMEN PENA  
ARITA, *et al*,

Plaintiffs,

VS.

UNITED STATES OF AMERICA, *et al*,

Defendants.

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CIVIL ACTION NO. 7:19-CV-288

**ORDER**

The Court now considers the “Unopposed Motion to Extend Time to Respond to Defendant United States of America’s Motion to Dismiss”<sup>1</sup> filed by Orlanda del Carmen Peña Arita, individually; as next friend of D.M.A. and C.M.A.; and as representative of the Estate of Marco Antonio Muñoz (“Plaintiff”). Therein, Plaintiff requests the Court extend the January 3, 2020 deadline to respond to the United States of America’s (“United States”) pending motion to dismiss “by one week, to January 10, 2020 . . . to ensure that Plaintiff’s counsel are able to confer regarding the response.”<sup>2</sup> Plaintiff notes “neither the court nor any other defendant to this suit will experience a delay . . . and the extension of time to respond to this Motion to Dismiss has no effect on the deadline for the remaining defendants to answer.”<sup>3</sup> The United States is unopposed.

Under these circumstances, Plaintiff need only satisfy the relatively-forgiving standard of good cause.<sup>4</sup> The Court finds Plaintiff provides good cause for an extension by proffering a basis sufficiently justified for an extension, particularly in light of the United States’ lack of

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<sup>1</sup> Dkt. No. 104.

<sup>2</sup> *Id.* at pp. 1–2, ¶¶ 3–4, 6. The United States filed its motion to dismiss on December 13, 2019. Dkt. No. 99.

<sup>3</sup> Dkt. No. 104 p. 2, ¶¶ 7–8.


<sup>4</sup> *See* Fed. R. Civ. P. 6(b). Because the instant motion was filed on December 27, 2019, the motion is timely filed. *Id.*

opposition. Moreover, the seven-day extension does not disturb any existing settings or deadlines. Accordingly, the Court finds the requested extension and proposed deadline appropriate.

Thus, the Court **GRANTS** Plaintiff's motion<sup>5</sup> and **EXTENDS** Plaintiff's deadline to respond to the United States' pending motion to dismiss from January 3, 2020 to January 10, 2020.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 30th day of December, 2019.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez  
United States District Judge

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<sup>5</sup> Dkt. No. 104.